

REMARKS

The present amendment is submitted in response to the Office Action dated July 27, 2007, which set a three-month period for response, making this amendment due by October 27, 2007.

Claims 1-4 and 7-14 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 3, 5, 6, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,263,136 to Knouse et al. Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,381,037 to Cuneo. Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,711,946 to Troutman. Claims 2 and 4 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Knouse et al. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Knouse et al. Claims 1, 3, 5, 6, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,262,420 to Nalley in view of Knouse et al.

In the present amendment, the specification has been amended to address the objections, to delete reference to the claims, to add a cross reference to the related priority document, and to add standard headings.

Claim 4 has been amended to address the rejection under Section 112, second paragraph, by deleting the objected to language "diametrically" and

replacing it with the more accurate “located on opposing surfaces within this angle”. The specification was amended accordingly on page 2 at line 21.

Turning now to the substantive rejections of the claims, claim 1 has been amended to more clearly define the invention over the cited references by adding the features of claim 6, which was canceled. Claim 5 also has been canceled.

Although claim 6 was rejected as either anticipated by Knouse or obvious over Nalley in view of Knouse, even the Examiner acknowledges that neither of these references discloses the “flexible connecting element” defined in claim 6. Instead, the Examiner argues that the bar or link 56 of Knouse et al “is inherently flexible to at least some extent based on its structural configuration”.

The Applicants respectfully disagree with this analysis and submit further that there is not basis for this assumption. Based on Fig. 2 of Knouse et al, bar or link 56 is not made of “sheet” metal (the preferred material for the flexible connecting element). The Applicants note how the thickness of part 56 is approximately two or more times the thickness of the slots in the screw heads (the screw heads are located between pivot pint 47 and switch 39 in Fig. 2), while the length and width dimensions are even greater than its thickness. The practitioner of ordinary skill in the art would appreciate that the working end of a screwdriver is normally not considered to be “inherently flexible”.

Since the bar or link 56 is considerably thicker than the working end of a screwdriver, there appears to be no basis for the assumption that this structural configuration imparts this part with flexibility. The question is not whether the bar

or link 56 *could* have this thickness and still be flexible, but whether this is inherent to the disclosure – and it is not.

Furthermore, based on the manner in which the bar of link 56 is intended to function, it is desirable for it NOT to be flexible. It comprises a link between pivot points which anchor the two switch triggers 30 and 32. If this part were flexible along its length, then the two switch triggers would not be tightly coupled. For example, if there were slack in the link 52, then depressing switch trigger 32 would not effectively actuate the tool, or at least not do so in a similar manner as switch trigger 30. Based on the construction, it would not be surprising to one of ordinary skill in the art if the bar or link 56 were constructed of steel or another hard metal.

With regard to the rejection based on the combination of the Nalley and Knouse et al references, Nalley also discloses no relevant structure, and is apparently used by the Examiner based on the fact that it discloses a jigsaw, whereas none of the other cited references specifically discloses a jigsaw.

Therefore, amended claim 1, which now includes the features of claim 6, is allowable over the cited references, whether viewed alone or in the proposed combination. MPEP section 2131 indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim. Furthermore, it is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a *prima facie* case of obviousness as clearly set forth in MPEP section 2143.01.

Also in this amendment, new dependent claims 11-14 have been added. Support for claims 11 and 12 can be found on page 4, lines 25-27 and in Figs. 3-5. Support for claim 13 can be found on page 5, lines 13-14. Finally, support for claim 14 can be found on page 5, lines 1-2 and in Fig. 3.

For the reasons set forth above, the Applicants respectfully submit that claims 1-4 and 7-14 are patentable over the cited art. The Applicants further request withdrawal of the rejections and allowance of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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